



Developing the Policy Agenda 2019 -2022

OVERVIEW

Each year, CCSA recalibrates our policy objectives in the legislative and regulatory arenas and articulates them in a guiding document called the *CCSA Policy Agenda*. The Policy Agenda includes a range of proposals for sponsored legislation or regulatory initiatives with one unifying purpose – increasing access to high-quality public schools for all students.

The Government Affairs Team works with experts and leaders to develop initial proposals and a nuanced analysis of the policy and political environment based on the needs of charter school organizations in California. CCSA's Board of Directors, with the input of the Member Council, approves the Policy Agenda, and may modify it during quarterly meetings held in June, September, December, and March.

As a result, in last year of the Brown Administration, CCSA worked with leaders, youth, and parents from member schools across the state to secure important wins in the state legislature:

- Together, we defeated Senate Bill 1362 (Beall) which would have allowed district finances to be officially considered as part of decisions on new charter school petitions and renewals
- Secured additional funding for the Charter School Facilities Grant Program
- Lead an unprecedented coalition effort with the California School Boards Association and the California Legislative Black Caucus to have an additional \$300 million targeted to serve the lowest performing students in all public schools – including charters

This year we're taking a longer view because of anticipated shifts under a presumptive Newsom Administration. Now is the time to see how the impact of the November election – both with the Governor and the Superintendent of Public Instruction. We will need to assess the changing environment under a Newsom Administration, we anticipate that our adversaries could attempt hold Newsom to his pledge to enact a charter moratorium, or confine authorizing to local districts, or curtail core flexibilities related to credentialing and special education to name a few.

We will continue to remain vigilant against such bad-faith policy pursuits in the short term. In the long-term, we may have a greater opportunity to pursue more proactive approaches, and we're particularly interested in hearing your thoughts on early ideas.

TIMELINE

June: The process for developing and approving the Policy Agenda begins with input from the CCSA Member Council and Board of Directors in June.

September: The proposed Policy Agenda is then vetted by stakeholders throughout the summer, modified as needed, and ultimately adopted by the CCSA Board of Directors.

December: Government Affairs reports to the Board of Directors on the viability of policy proposals, and the Board makes final decisions.

February: Deadline for any pro- or anti-charter legislation to be introduced. The Member Council and Board of Directors consider the full picture during their March board meeting, and adjusts the agenda accordingly. .

April: California Charter Public Schools Advocacy Month takes place. School leaders, parents, teachers, and youth meet with legislators to advocate for the united Policy Agenda.

Now is the time for you to review the proposed priorities and provide your feedback!

PROPOSED POLICY AGENDA FOR 2019 – 2022

Part 1. Year One

1. *Vigilantly defend core charter flexibilities and autonomy.*

- 1.1. **Funding:** Advocate for equal funding for charter schools. This would include actual mandated cost reimbursements, beyond the block grant, and parity on ADA for all students.
- 1.2. **Facilities:** Defend against any new regulation on charter school facilities, including prevailing wage and Field Act.
- 1.3. **Faster Growth:** Defend initiatives that would curtail growth or pit existing schools against future growth.
- 1.4. **Flexibility:** Maintain maximum flexibility on teacher credentialing and other key areas of autonomy.
- 1.5. **Firmer Accountability:** Continue to hold the sector accountable under the new state dashboard model. Ensure that charter schools are perceived as the highest quality public schools in CA.

Part 2. Year Two and Beyond

2. *Allay charter public perception challenges related to poor authorizing by small school districts by resolving outstanding matters once and for all.*

Recent examples of derelict authorizing and oversight practiced by small authorizers of charters may require a policy solution. Consider sponsoring legislation that would require small school districts to receive State Board of Education (SBE) approval to authorize any charter that will operate out-of-district or that will serve a pupil population that exceeds the non-charter enrollment of the authorizing district. Should a district not be granted a sufficiency determination from the SBE, county boards would be granted authority to approve a countywide benefit charter and allow a non-classroom-based countywide benefit charter to operate sites or resource centers in the county or any immediately adjacent county.

3. *Go on offense against pernicious rhetorical attacks by forcefully asserting moral authority on equity, transparency, accountability, and fiscal stewardship vis-à-vis traditional school districts.*

- 3.1. **Public Call for Non-Renewal (PCNR) For All Public Schools.** Require districts to perform a public review of each school in the district on a five-year rotation. Schools failing to meet a specified level of achievement would be subject to a corrective action plan overseen by the County Office of Education, or become a potential opportunity for a modernized version of "parent trigger" refashioned under the state's new accountability framework. This policy proposal would align with the development of a PCNR-like CCSA framework and annual publication, spotlighting failing districts.
- 3.2. **Site level accountability and resource transparency.** Similar to the idea of a public "renewal" for all non-charter schools, we could look to other mechanisms to improve site-level accountability of district schools. The implementation of LCFF and the state's

new dashboard has been criticized for its lack of easily comparable and accessible school level data and the state intervention system is triggered at the district, rather than school level. We are concerned that the emphasis on district level data masks chronic academic failure across school districts and makes charter-to-local district school comparisons difficult. Further, the continual and unabated use of discipline records, test scores, and GPA by some magnets have enabled districts to hold up data from their portfolio of specialized schools against the performance of charters which can no longer engage in such practices, in an effort to mask failure across their more traditional school sites. Ensuring these programs all adhere to open enrollment practices that mirror charter school admission requirements would improve access for all students.

- 3.3. **Special Education Flexibility and Funding Reform.** The charter community has led significant innovation in the delivery of special education services and supports in California. But, while the state is shifting to a brighter focus on outcomes for all students, this shift in special education has lagged. CTA is still beating the drum on special education enrollment rates and compliance rates while CCSA continues to partner alongside innovative thinkers across the State, including those involved in the Statewide System of Support, to shift the narrative focus around special education in charter schools from inputs (e.g. percentages of students served) to results.

To better enable this shift, we may consider funding reforms that provide incentives for higher quality supports and services that drive results. Models of innovation, such as Option 3 in LAUSD could be scaled up to innovate in more effective cost pooling and resource sharing. We could also consider proposals that implement more flexibility and competition in SELPA affiliation for districts or, a reimagining of the SELPA construct altogether, including funding reforms to provide incentive for higher quality services and supports.

- 3.4. **Governance and Transparency for Charters & Districts Alike.** During hearings on CCSA's sponsored transparency proposals (SB 806 and SB 1216), charter schools were criticized for a lack of transparency in their board operations and the lack of opportunity for direct local input when a governing body is not near the school site. These critiques ignored the lack of access that parents and other stakeholders have in district deliberations that affect local schools when district headquarters are in accessible and far removed from local school sites. CCSA could propose transparency legislation that would apply equally to charter and district governing boards, requiring real time remote access and/or rotating the location of board meetings to improve community access to board meetings.

4. *Prioritize “win/win” solutions that help defuse district hostility and claims of fiscal impact at the local level and chart a “third way” for charters to grow and districts to avoid insolvency.*

Recently, there has been increased discussion and research about the fiscal impact of charter schools on traditional school districts and to what degree charter schools may contribute to fiscal challenges of school districts. For example, one recent study by “In the Public Interest” claims that “Charter schools cost Oakland Unified \$57.3 million per year. That’s \$1,500 less in funding for each student that attends a neighborhood school.” CCSA largely discredited this report and Robin Lake with the Center for Reinventing Public

Education (CRPE) asserted that the report had fundamental flaws. The CRPE suggests that “public charter schools are not to blame for districts’ financial struggles, but it is in their best interest to be part of a solution. Moving forward charter schools should help districts adjust to enrollment declines and be willing to consider altering their activities based on open discussions and fair give and take...CRPE recommends that urban districts and charter schools collaborate to solve the problems associated with declining enrollment so that all students can have access to a high-quality education.” If we accept the pragmatic conclusion of the CRPE that charter schools must participate in solutions to districts claim of charter impact, CCSA may want to consider whether, and to what degree we should support solutions for district financial problems. In reviewing several keys studies, such as those of the LAUSD Independent Review Panel (Cortinez) and the LAUSD Task Force reports (King) and others, we suggest some key areas which may assist districts in mitigating charter impact, and in so doing, perhaps reduce some key causes for local opposition to charter growth.

- 4.1. **Improved District Attendance (ADA).** Both the Cortinez and King reports suggest that simply improving district attendance and reducing chronic absenteeism could improve pupil outcomes and significantly boost district revenues. LAUSD reports that in 2016-17, four million attendance days were missed in LAUSD. Based on 2018-19 LCFF rates, the district could gain over \$100 million if it only recovered 50% of that lost ADA. CCSA might consider supporting incentive funding to assist districts in implementing various attendance recovery strategies.
- 4.2. **Declining Enrollment Funding.** It should be noted that sponsoring a bill of this nature would represent a reversal of our historical position on funding equity, however it should also be noted that Marshall Tuck supports looking at a “hold harmless” policy as stated in a recent debate, to help head off increasing hostility by districts and potentially prevent the lurch to deny renewals and new charters. In an effort to recognize the volatility of district enrollment, and the need for stable funding from year-to-year, current law provides school districts with funding for the higher of current or prior year average daily attendance. This provides a one-year hold- harmless for the fiscal impact of enrollment declines. However, charter ADA is excluded from the calculation, resulting in a loss due to an absence of declining enrollment protections for students who leave the district for charter schools. Charter ADA was excluded from the calculation, to prohibit district “gaming” of the declining enrollment benefit. But, the impact of students leaving to attend an independent charter is really no different from that of students leaving one district for another. CCSA could recognize this inequity and sponsor legislation to extend the declining enrollment protection for students who leave a district for independent charter schools. Extending this policy would directly help mitigate the immediate net fiscal impact of charter growth on a district.
- 4.3. **Improved Facility Management.** Lack of charter school access to district property has been a primary barrier to charter growth. Districts claim they have no available space to offer while lacking any clear or consistent standards of real estate portfolio management or even having a clearly accessible inventory. Districts also claim severe lack of resources and maintain significant unfunded liabilities while many sit on vast real estate holdings and continue to operate severely under-enrolled campuses in the light of continual enrollment decline. CCSA might consider taking on a comprehensive facility portfolio management plan for districts that could include any or all of the following components:

- A clear property and facility inventory for each district including all property and parcels owned by the district and designation of the current or future purpose of the parcel or facility might be an important first step to improving access. For example, in Los Angeles, Board Member Nick Melvoin is pushing the district to develop better data and transparency as one step towards eventually expanding access.
- Benchmarks for enrollment decline that may trigger consideration for school consolidations or closures as a condition of state modernization funds
- Comparisons of district facility assets to unfunded liabilities to assess the viability of using disposal of property assets to lower unfunded liabilities or, as a condition of a state bailout
- establish triggers to force sale of excess property to pay down district liabilities
Further consider applying the concepts above not only to financially struggling districts but more broadly, and perhaps establish financial incentive for districts related to better facility use and charter access

4.4. **Liabilities and Pension Reform.** Districts have complained that when charters open and student leave, their own liabilities for pensions and retiree health care remain constant because they are based on years-old commitments and agreements. In some cases, laws prevent them from rolling back benefits and may even hinder their ability to limit benefits for new employees. CCSA may want to assess the current statutory landscape to identify areas in which districts hands are tied and offer proposals to create more local flexibility to address their financial liabilities and respond more effectively to changing circumstances. Increasing opportunities for districts to be free of constraining state requirements may help them respond better to declines in enrollment.

DISCUSSION QUESTIONS

- A. What are the highest threats to key charter flexibilities in your mind? Any that we have listed that don't jump out as particularly concerning in your mind?
- B. What are your thoughts on CCSA deviating from a more traditional and discrete advocacy focused exclusively on charter policy to going on offense against school districts in the areas of equity, transparency, and accountability?
- C. What are your thoughts about CCSA sponsoring "win/win" legislation that may help defuse district hostility at the local level and chart a "third way" for both charters to grow and districts to avoid insolvency?
- D. What's missing from our outline of policy priorities for 2019-2022?